Statutes in question.

28 U.S.C 1343 **Civil rights and elective franchise**
(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person: etc..

28 U.S.C 1331 **Federal question**
The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

28 U.S.C 1253 **Direct appeals from decisions of three-judge courts**
Except as otherwise provided by law, any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any Act of Congress to be heard and determined by a district court of three judges.

28 U.S.C. 1254 **Courts of appeals; certiorari; certified questions**
Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

Supreme Court Rule 10. Considerations Governing Review on Certiorari Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons. The following, all though neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers:

...

A petition for a writ of certiorari is rarely granted when the asserted error consists of erroneous factual findings or the misapplication of a properly stated rule of law.

28 U.S.C 43. **Creation and composition of courts**
(a) There shall be in each circuit a court of appeals, which shall be a court of record, known as the United States Court of Appeals for the circuit.

RULE 802. **HEARSAY RULE**
Hearsay is not admissible except as provided by these rules or by other rules prescribed by the Supreme Court pursuant to statutory authority or by Act of Congress.

Any and all damage laws that do not take into consideration the actions of the plaintiff.

Constitutional amendments relied on.
Amendment One
...and to petition the Government for a redress of grievances.

Amendment Five
...nor be deprived of life, liberty, or property, without due process of law...

Article I, Section One
All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Article I, Section Eight
To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Article III, Section One
The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

Article III, Section 2, Clause 1
The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States...

Article VI, Clause 2
This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in

Relief Sought in pleading

a) Reinterpretation of the laws and restructuring of the courts and judiciary powers to allow all cases to be resolved in compliance with any and all laws in Equity to each and every citizen and under the authority of One Supreme Court. Under authority of the One Supreme Court would be all petitions to the United States Supreme court are heard and addressed, be it with the three current layers of the courts or more.

b) Removal of Supreme Court Rule 10 that allow the Supreme Court to not hear cases for the misapplication of properly states laws.

c) Reinterpretation of the laws and restructuring of the courts and judiciary powers so that the courts can enforce downward to the lower courts and the lawyers by appropriate means (sanctions, etc) the laws, rulings and statues of this land.

d) Having the courts recognize the constitutional right of the Supreme Court as the End of Due process. And that all cases of misapplication of properly stated law have a constitutional right to be heard and decided by the One Supreme Court.

e) Changing the jurisdiction of each appeals court so that they can minimize the influence of local politics and hearsay. For example having the 5th circuit only hear cases from the federal district courts of say the 9th circuit.

f) Reinterpretation of the laws and restructuring of the courts and judiciary powers to allow all citizens the right to petition their government for ANY and ALL laws written, whether by a corporation,

partnership, organization, government under United States Jurisdiction and/or any entity entailed to make a rule or regulation that effects more than one person.

g) Reinterpretation of the laws and restructuring of the courts and judiciary powers to allow citizens the right to petition their government while accommodating their limitations, be it finical, physical, or communicative, through either the courts and/or arbitration for equitable compensation. Which would allow for appeals that would lead to a final conclusion and compliance with any and all laws, rulings, rules and statues with the One Supreme Court vested with this power as stated in the Constitution.

h) Recognition that no other court in this land has power vested by the United States Constitution except the One Supreme Court. That these other courts have been given authority by congress and the Supreme Court only to help reduce the burden on the Supreme Court, not hide from its Constitutional obligations. Which is clearly stated as law and equity for all cases enforced by judges who have sworn to The One True God of all religions to follow the laws of these United States.

i) Reinterpretation of the laws of any and all damages to be constitutional and take into consideration the action of those who would benefit from winning a damage claim, as the word equity in the constitution implies. This assumes that all damage claims that are made to make a large defendant

take notice but were the plaintiff's actions do not warrant the entire damage claim, that the difference in the claim would be given to the government. In the cases were the government was the one paying damages, the difference in damages could be given to a long time non profit organization.

j) Changing any and all the laws so that they are constitutional as defined above.

k) Compensation of at least 23 dollars and damages payable to a charity named by the plaintiff since these courts need to see money to have a case taken seriously.

l) Associated Court costs if applicable.

m) Attorney fees and Attorney costs, if the Plaintiff chooses to retain an attorney.

Agency: United States District Court of Eastern District of Louisiana
Title: Order and Reasons
Case Number: 02-2017
Date of Entry: October 16, 2002

Filed
U.S DISTRICT COURT
EASTERN DISTRICT OF LA

2002 OCT 16 AM10:55

LORETTA G. WHYTE
CLERK
(Stamp)
"s/Loretta G. Whyte".

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

RICHARD MUZZI	*	CIVIL ACTION
VERSUS	*	NO: 02-2017
UNITED STATES SUPREME COURT, et al.	*	SECTION: "T"(5)

Before the Court is a Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) filed on behalf of the defendant, the United States Supreme Court, et al. The Court having reviewed the memoranda filed and considered the law and applicable jurisprudence, is fully advised in the premises and ready to rule.

ORDER AND REASONS

I. BACKGROUND

Pro Se Plaintiff Richard Muzzi first sued his former employer, Cimarron Software Services, Inc. And DynMcDermott Petroleum Operations Company for whom Cimarron was acting as a subcontractor, for disability discrimination and retaliation under the Americans with Disability Act. Muzzi also sued the Equal Employment Opportunity Commission. The case was filled in the Eastern District of Louisiana and allotted to Judge A.J. McNamara. On March 22, 2000, the court dismissed the case against the EEOC. On September 25, 2000, the court granted the defendants' motion for summary judgement. The Fifth Circuit affirmed the district court's ruling on March 13, 2001. On October 1, 2001, the United States Supreme Court denied Muzzi's request for certiorari.

On February 4, 2002, Muzzi, acting *pro se*, filed a case against the United States Government asserting that his constitutional rights were violated by the federal judicial process when his has dismissed on a motion for summary judgement. The government's subsequent motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure was granted on May 9, 2002.

The Plaintiff's present compliant alleges that he was harmed by the unconstitutional laws passed by the United States Congress, by the misinterpretation and the misapplication of the laws by the federal courts, and by statement made by the judges presiding over his case. He prays for reinterpretation of the laws and the restructuring of the courts and judiciary powers. He also prays for changing the jurisdiction of each

appeals court, and for compensation of at least $23.00.

II. BACKGROUND

A. A Law on Rule 12(b)(6) motions:

In considering a motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6), courts have found that dismissal pursuant to this provision "is viewed with disfavor and is rarely granted." Lowery v. Texas A&M University System, 117 F.3d 242, 247 (5th Cir. 1997); Kaiser Aluminum & Chem. Sales v. Avondale Shipyards, 677 F.2d 1045, 1050 (5th Cir. 1982). The compliant must be liberally construed in favor of the plaintiff, and all facts pleaded in the original compliant must be taken as true. Campbell v. Wells Fargo Bank, 781 F.2d 440, 442 (5th Cir. 1982). A district court may not dismiss a compliant under FRCP 12(b)(6) "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Conley v. Gibson, 355 U.S. 41, 45-46, 78 S.Ct 99, 101-102, 2 L.Ed.2d 80 (1957); Blackburn v. Marshall, 42 F.3d 925, 931 (5th Cir. 1995). The Fifth Circuit defined this strict standard as, "The question therefore is whether in the light most favorable to the plaintiff and with every doubt resolved in his behalf, the complaint states any valid claim for relief." Lowrey, 117 F.3d at 247, citing 5 Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure, ξ1357, at 601 (1969).

B. Liability of the Defendants:

The Supreme Court has held that absent a waiver of sovereign immunity, the Federal Government is immune from suite. Loeffler v. Frank, 486 U.S. 549, 554, 108 S.Ct. 1965, 1968 (1988), citing United States v. Sherwood, 312 U.S. 584, 586, 61 S.Ct. 767, 769 (1941). The capacity of an entity to sue or be sued "shall be determine by the law of the state in which

the district court is held." Fed. R. Civ. P., Rule 17(b). Under Louisiana law, to possess such a capacity, an entity must qualify as a "judicial person." A juridical person is "an entity to which the law attributes personality, such as a corporation or partnership." La. Civ. Code, Art. 24.

The defendants herein are the U.S. Supreme Court, the U.S. Congress, the U.S. Court of Appeals for the Fifth Circuit, and the U.S. District Court for the Eastern District of Louisiana. As the defendants correctly state, they are entities created by the U.S. Constitution, and none are attributed a separate and distinct legal existence. Therefore, the Plaintiff has failed to assert his claims against suable entities.

Accordingly,

IT IS ORDERED that defendants Motion to Dismiss is hereby **GRANTED,** and the claims of the plaintiff, Richard Muzzi, are hereby **DISMISSED WITH PREJUDICE.**

Date of Entry Oct 16, 2002 (Stamp)

New Orleans, Louisiana, this 15 Day of October, 2002

"s/G. THOMAS PORTEOUS, JR.".
G. THOMAS PORTEOUS, JR.
UNITED STATES DISTRICT JUDGE

Agency: United States District Court of Eastern District of Louisiana
Title: Final Judgement
Case Number: 02-2017
Date of Entry: October 16, 2002

Filed
U.S DISTRICT COURT
EASTERN DISTRICT OF LA

2002 OCT 16 AM10:55

LORETTA G. WHYTE
CLERK
(Stamp)
"s/Loretta G. Whyte".

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

RICHARD MUZZI	*	CIVIL ACTION
VERSUS	*	NO: 02-2017
UNITED STATES SUPREME COURT, et al.	*	SECTION: "T"(5)

FINAL JUDGEMENT

The Court having ruled upon the Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6)

filed on behalf of the defendant, the United States Supreme Court, et al.,

Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that the claims of the plaintiff against the defendants are hereby **DISMISSED WITH PREJUDICE.**

Date of Entry Oct 16, 2002 (Stamp)

New Orleans, Louisiana, this 15 Day of October, 2002

"s/G. THOMAS PORTEOUS, JR.".
G. THOMAS PORTEOUS, JR.
UNITED STATES DISTRICT JUDGE

Agency: United States Court of Appeals for the Fifth Circuit.
Title: ORDER
Case Number: 02-31077
Date of Entry: January 31, 2003

Filed
U.S COURT OF APPEALS

JAN 31 2003

CHARLES R. FULBRUGE III
CLERK
(Stamp)
"s/Charles R. Fulbruge III".

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 02-31077

RICHARD MUZZI
Plaintiff - Appellant

v.

UNITED STATES SUPREME COURT; US CONGRESS; FEDERAL APPEALS COURT OF THE 5TH CIRCUIT; UNITED STATES DISTRICT COURT, Eastern District of Louisiana

Defendants - Appellees

Appeal from the United States District Court for the Eastern District of Louisiana, New Orleans

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Before BARKSDALE, DeMOSS, and BENAVIDES, Circuit Judges.

BY THE COURT:

IT IS ORDERED that appellees' motion to dismiss the appeal as frivolous as **GRANTED.**